

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ASHLEY L. GRAVES
8262 STATION VILLAGE LANE
APARTMENT #2514
SAN DIEGO, CA 92108

Case No. 2007 - 159

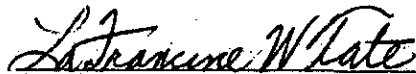
Respondent

DEFAULT DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on **MARCH 14, 2008.**

IT IS SO ORDERED **FEBRUARY 14, 2008.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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of the State of California
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:

12 ASHLEY L. GRAVES
a.k.a. ASHLEY LOUISE GRAVES
13 8262 Station Village Lane, Apt.# 2514
San Diego, CA 92108

14
15 Respondent.

Case No. 2007-159

OAH No. N-2007100741

**DEFAULT DECISION
AND ORDER**

[Gov. Code, § 11520]

16
17 FINDINGS OF FACT

18 1. On or about December 11, 2006, Complainant Ruth Ann Terry, M.P.H.,
19 R.N, in her official capacity as the Executive Officer of the Board of Registered Nursing, filed
20 Statement of Issues No. 2007-159 against Ashley L. Graves (Respondent) before the Board of
21 Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about April 27, 2006, Respondent filed an application dated July 14,
23 2006 with the Board to obtain a registered nurse license.

24 3. On or about September 22, 2006, the Board issued a letter denying
25 Respondent's application for a registered nurse license. On or about October 11, 2006,
26 Respondent appealed the Board's denial of her application and requested a hearing.

27 4. On or about December 14, 2006, Jessica L. Taylor, an employee of the
28 Department of Justice, served by Certified Mail a copy of the Statement of Issues No. 2007-159,

1 Statement to Respondent, Request for Discovery, and Government Code sections 11507.5,
2 11507.6, and 11507.7 to Respondent's address on the application form, which was and is 8262
3 Station Village Lane, Apt. # 2514, San Diego, CA 92108. A copy of the Statement of Issues, the
4 related documents, and Declaration of Service are attached as Exhibit A and are incorporated
5 herein by reference.

6 5. Service of the Statement of Issues was effective as a matter of law under
7 the provisions of Government Code section 11505, subdivision (c).

8 7. On or about November 16, 2007, Respondent wrote a letter withdrawing
9 her application for licensure as a registered nurse in the State of California. The letter was
10 received by the Office of the Attorney General on or about November 26, 2007. A copy of the
11 letter is attached as Exhibit B and incorporated herein by reference.

12 6. Government Code section 11506 states, in pertinent part:

13 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
15 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
16 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

17 7. California Government Code section 11520 states, in pertinent part:

18 "(a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions or upon
20 other evidence and affidavits may be used as evidence without any notice to respondent; and
21 where the burden of proof is on the respondent to establish that the respondent is entitled to the
22 agency action sought, the agency may act without taking evidence."

23 8. Pursuant to its authority under Government Code section 11520, the Board
24 finds Respondent is in default. The Board will take action without further hearing and, based on
25 Respondent's express admissions by way of default and the evidence before it, contained in
26 Exhibits A and B finds that the allegations, and each of them, in Statement of Issues No.
27 2007-159 are true.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Ashley L. Graves has
3 subjected her application for a registered nurse license to denial.

4 2. Service of Statement of Issues No. 2007-159 and related documents was
5 proper and in accordance with the law.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board of Registered Nursing is authorized to deny Respondent's
8 application for licensure based upon the following violations alleged in the Statement of Issues:

9 a. Respondent's application is subject to denial pursuant to Code
10 sections 480, subdivision (a)(3), and 2761, subdivision (a), on the grounds of
11 unprofessional conduct, as defined in Code section 2762, subdivision (a), in that on or
12 before August 24, 2006, Respondent self-administered an unknown quantity of the
13 controlled substance cocaine without lawful authority therefor, as follows: On or about
14 August 24, 2006, Respondent submitted to a pre-employment drug screen. Respondent's
15 drug screen was positive for cocaine.

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Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

It is so ORDERED _____

FOR THE Board of Registered Nursing

Attachments:

Exhibit B: Respondent's Letter of Withdrawal of License Application

Exhibit A

Statement of Issues No. 2007-159,
Related Documents, and Declaration of Service

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of the State of California
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 2007-159

ASHLEY L. GRAVES,
a.k.a. ASHLEY LOUISE GRAVES
8262 Station Village Lane, Apt. 2514
San Diego, CA 92108

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Statement of Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about July 14, 2006, the Board received an application for licensure by endorsement from Ashley L. Graves, also known as Ashley Louise Graves ("Respondent"). On May 9, 2006, Respondent certified under penalty of perjury that all information provided in connection with the application was true, correct, and complete. On September 22, 2006, the Board denied Respondent's application.

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4. Code section 480 states, in pertinent part:

◆ ◆ ◆ ◆

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made . . .

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022 . . .

7. “Cocaine” is a Schedule II controlled substance as designated by Health de section 11055, subdivision (b)(6).

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1 **CAUSE FOR DENIAL**

2 **(Self-Administration of Controlled Substances)**

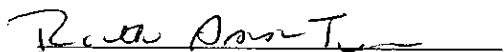
3 8. Respondent's application is subject to denial pursuant to Code sections
4 480, subdivision (a)(3), and 2761, subdivision (a), on the grounds of unprofessional conduct, as
5 defined in Code section 2762, subdivision (a), in that on or before August 24, 2006, Respondent
6 self-administered an unknown quantity of the controlled substance cocaine without lawful
7 authority therefor, as follows: On or about August 24, 2006, Respondent submitted to a pre-
8 employment drug screen (Respondent was scheduled to begin an assignment with Cross Country
9 TravCorps at Sharp Memorial Hospital, San Diego, California). Respondent's drug screen was
10 positive for cocaine.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Denying Ashley L. Graves', also known as Ashley Louise Graves',
15 application for licensure as a registered nurse;
16 2. Taking such other and further action as deemed necessary and proper.

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18 DATED: 12/8/06.

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20 
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

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23 Complainant
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Exhibit B

*Respondent's Letter of Withdrawal
of License Application*

State of California
Board of Registered Nursing
November 16, 2007

To whom it may concern:

I am writing to withdraw my application for licensure as a registered nurse in the State of California. I will not be permanently residing in California. I have decided to continue with my education and will be relocating. I greatly appreciate all your consideration and time.

Sincerely,

A handwritten signature in cursive script that reads "Ashley Graves". The signature is written in black ink and is positioned above the printed name.

Ashley Graves